



Oklahoma Arts Council

General Grant Terms and Conditions

For awards issued after July 1, 2022

1. Applicability

These General Grant Terms and Conditions (General Grant Terms) apply to grants that the Oklahoma Arts Council (Council) issues to eligible nonprofit organizations, schools, or government entities during the awarded grant period. This grant award implements Title 2 of the Code of Federal Regulations (2 CFR).

These terms are based on the applicable grant program guidelines detailed in the Grantee's award notification package, the Council's enabling legislation and administrative code, along with other State and Federal statutes, regulations, and all applicable laws that apply to grants, contracts, and cooperative agreements. Award recipients (Grantee or Grantee Organization) must be familiar with and comply with these requirements.

The term "project" includes activities carried out as part of the grant program and grant award and include allowable expenses as detailed in the grant program guidelines and/or expenses submitted in the Grantee's approved application (unless otherwise stated by the Council in the grant award notification).

The Grantee is responsible for ensuring that only allowable activities and costs, aligned with the approved grant and match requirement, are reflected in the submitted final report and final budget for this award.

The Grantee organization must be in good standing with the Internal Revenue Service (IRS) and the State of Oklahoma. Nonprofit organizations who have had their IRS status revoked are not eligible for Council grant support. It is the Grantee's responsibility to ensure that their status is current at the time of the application and throughout the life of the grant award. Grantee Organizations cannot be listed under the SAM Exclusions federal debarred or suspended list. Council grant funds and match requirement cannot be used to support individuals or organizations listed under the SAM Exclusions federal debarred or suspended list.

2. Responsibilities

In accepting a Council award, the Grantee organization assumes legal, financial, administrative, and programmatic responsibility for administering the award in accordance with any provisions included in the award; other statutes, regulations, Executive Orders, and all applicable laws governing State and Federal financial assistance awards; and these General Grant Terms, all of which are hereby incorporated into the award by reference. While the Council may provide the Grantee with reminders regarding award requirements, the absence of receiving such notice does not relieve the Grantee organization of their responsibilities.

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Submission of a signed grant contract by the Grantee's Authorizing Official constitutes the Grantee's agreement to comply with all the terms and conditions of the award. Contracts must be signed by the due date indicated in the award notification.

Failure to comply with these requirements may result in suspension or termination of the grant award and the Council's recovery of federal and/or state funds. In addition, the State of Oklahoma and the United States has the right to seek judicial enforcement of these obligations.

3. Acknowledgment of Support

Acknowledgment of the Council and the National Endowment for the Arts logos must be prominently displayed in all materials and announcements related to the project activities approved in the application for the duration of the project dates. Failure to appropriately acknowledge the Council and the National Endowment for the Arts may result in the termination of the grant award. Please refer to the award notification package for acknowledgement guidelines.

4. Required Registrations

(A) Unique Entity Identifier (UEI)

Organizations are required to have a Unique Entity Identifier or UEI. Since 2010, this has been a Dun & Bradstreet number, or DUNS. In April 2022 the Federal government will switch to the use of a UEI created in SAM.gov to be the official UEI. An UEI reflects the organization's legal name and current, physical address. See SAM.gov for more information about registering and renewing an UEI.

(B) State of Oklahoma Vendor Registration

All Grantees are required to keep an updated State of Oklahoma vendor account with current organizational information including name, business address, mailing/payment remittance address, Federal Employer Identification Number (FEIN)/Employer Identification Number (EIN), substitute IRS Form W-9 information, and financial/banking registration information. It is the Grantee's sole responsibility to keep this information up to date throughout the life of the grant award. Vendor Registration is managed by the Office of Management and Enterprise Services (OMES). Any updates or changes to the Grantee's vendor account must be communicated to the Council's Grants Office as soon as possible. Failure to do so may result in payment delays and/or possible fees associated with costs for cancellation and reissue of checks.

(C) Council Grant System Registration

Organizations are required to maintain individual registrations for an Authorizing Official and a Grant Contact with the Council. It is the organization's responsibility to keep this information up to

date throughout the life of the grant award. Organizations should contact the Council's Grants Office at grants@arts.ok.gov to update their grant system registration information.

- An Authorizing Official is the only individual with the authority to agree to these grant terms and enter into a contractual agreement with the Council on behalf of the Grantee Organization. The Authorizing Official must keep a physical signature on file with the Council and, in the event of a grant award, will review and electronically sign a grant contract through the Council's online grant system.
- A Grant Contact is the only individual who can apply for grants and submit reports on behalf of an organization. The Grant Contact also serves as the primary contact for the organization and will receive important notices and communications from the Council's Grants Office including award and payment notices. The Grant Contact cannot be the same individual as the Authorizing Official.

5. Conflicts of Interest and Disclosures

- (A) The Grantee must have written conflict of interest policies that ensure that all employees, board members, officers, or agents engaged in the administration of this grant award, avoid conflicts as described in 2 CFR § 200.
- (B) The Grantee must also notify the Council of any violations of State and Federal criminal law involving fraud, bribery, or gratuity violations that potentially affect this award, as noted in 2 CFR § 200.

6. Statutory and Policy Requirements

The Grantee is responsible for complying with all requirements of the State and Federal award, including those based on:

- (A) Statutory Policy Requirements. The Grantee is required to ensure that State and Federal funding is expended and programs are implemented in full accordance with Oklahoma State Statutes, Oklahoma Administrative Code, the U.S. Constitution, Federal Law, and public policy requirements. The Grantee is required to adhere to all applicable national policy requirements as outlined in Appendix A, including, but not limited to, those protecting public welfare, the environment, and prohibiting discrimination.
- (B) Oklahoma Arts Council. The Grantee is required to execute the project, (e.g., projects, programs, events, productions, workshops, business, administration, operations, etc. related to the approved project) in accordance with the Council's grant guidelines, general grant terms, administrative code, and enabling legislation.

(C) National Endowment for the Arts. The Grantee is required to execute the project, (e.g., projects, programs, events, productions, workshops, business, administration, operations, etc. related to the approved project) in accordance with the National Endowment for the Arts' enabling legislation including the requirement for "artistic excellence and artistic merit."

7. Financial Management and Internal Controls

The Grantee's financial management systems must meet state and federal standards, including:

- Accurate identification of State and Federal award data, financial results, and the ability to provide supporting documents (e.g., invoices, receipts, financial statements, etc.) upon request.
- Written procedures for determining the allowability of costs and for managing payments.

The Grantee must establish and maintain effective internal controls over the award and provide reasonable assurance that the Grantee is managing the award in compliance with State and Federal statutes, regulations, and the terms and conditions of the award.

8. Cash Match Requirements

If matching funds are required as part of the grant award, as outlined in the grant program guidelines and award notification package, grantees may use up to the stated percentage in in-kind contributions to meet the minimum matching requirement. In-kind support is defined as the fair market value for donated, non-monetary goods or services. This required match refers to the portion of project costs not paid by Council funds. Grantees may use a variety of sources to meet the required match, including but not limited to donations, non-State grants and other revenue. Other Council grant awards or State funds are not eligible to meet the matching requirements. If the Grantee receives notice that their award includes partial or full federal funds or that their award is used to match federal funds, no part of their required match can consist of federal funding.

Costs supported by both the Council grant funds and match requirement approved in the project budget must conform to all the requirements of the grant award.

9. Cost Principles

- (A) All costs included in the approved project budget or reported on final reports for the award, whether supported with State and Federal or required matching funds or any voluntary committed cost share, must be:
- Necessary and reasonable for the performance of the grant award.

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- Allocable and in conformance with these cost principles and as set forth in the award.
- Consistent with policies and procedures that apply uniformly to both State and Federally financed and other activities of the non-State or Federal entity.
- Accorded consistent treatment as either a direct or indirect cost.
- Determined in accordance with generally accepted accounting principles (GAAP).
- Not included as a cost or used to meet cost sharing or matching requirements of any other State or Federally financed program.
- Adequately documented for reporting and audit purposes.
Incurred during the approved grant period during which funds are budgeted.

(B) General Grant Allowable and Unallowable Costs

The allowability of costs is based on Council enabling legislation, administrative code, grant program guidelines, and 2 CFR § 200. In addition to this general list, see the corresponding grant program guidelines for a full list of specific allowable and unallowable expenses.

(1) Unallowable expenses

- (2) Capital expenditures including construction, renovation, building improvements or additions
- (3) Prizes or cash awards such as awards to individuals or organizations to honor or recognize achievement are unallowable. Emergency relief funds for housing, food, etc. to an individual artist are also unallowable.
- (4) Subgranting or sub awarding activity is unallowable with this grant award and/or any required matching funds
- (5) Food, drink, catering, or alcoholic beverages
- (6) Hospitality expenses such as costs related to galas and receptions
- (7) Benefits or fundraising activities
- (8) Lobbying or advocacy expenses
- (9) Costs or services that are not rendered
- (10) Debt reduction
- (11) Funding cash reserve or endowment accounts
- (12) Events that are not open to the public
- (13) Goods for resale including the sale of concessions, promotional merchandise, including clothing, or items purchased for sale, even if related to project programming. It also includes any associated staffing or facilities costs. However, costs of items that are produced as part of the approved project activity (e.g., publishing books or exhibition catalogs, or making recordings or films for distribution) and that are incurred during the period of performance are allowable.
- (14) Activities or expenses that may advance or inhibit any religious belief

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- Vehicles, including but not limited to cars, vans, buses, trucks, sport utility vehicles, etc.
- Home Office Workspace Rental of any property owned by any individuals or entities affiliated with the grantee entity for purposes such as a home office workspace is unallowable.
- Prohibited telecommunications and video surveillance services and equipment including telecommunications and video surveillance services and equipment that is prohibited by P. L. 115-232, section 889.
- Compensation to foreign nationals, including travel to or from foreign countries, when those expenditures are not in compliance with regulations issued by the U.S. Treasury Department Office of Foreign Assets Control
- Visa costs paid to the U.S. Government (P.L. 109-54, Title III General Provisions, Sec. 406)

(2) Allowable expenses

See the grant program guidelines for a list of specific allowable expenses.

10. Project Changes

The Grantee is required to carry out a project consistent with the application or proposal approved for funding by the Council. Project changes, modifications, or amendment requests are considered on a case-by-case basis and approval is not guaranteed. Until the Grantee receives written approval from the Grants Office, the Grantee may only incur costs consistent with the contract and terms of the award in effect at the time of the award notification. Detailed information about how to request a project change can be found in the Grantee's award notification package. Failure to comply may result in the termination of approved grant award. The Council has the right to request additional information, such as updates on specific project activities, including a revised budget or an itemized list of actual expenditures, as needed. If the Council determines that the project changes will not accomplish the purposes for which the award was made, the Council may cancel the grant award in its entirety.

(A) The following types of changes require written approval from the Grants Office:

(1) Project date changes

Funds must be used during the awarded grant period and may not be rolled over for use in past or future grant period/fiscal year programs, unless otherwise stated in the grant program guidelines and award notification package.

(2) Project scope modifications

These include changes to the approved project activities, programming selection, focus of content, significant changes in primary audience, changes in key project artists, changes in venue or locations, and changes in the breadth or impact of projects.

(3) Budget changes

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Budget changes due to a significant change in the scope of the awarded project. Contact the Grants Office for guidance.

(4) Final report deadline extension

(B) Declining an Award.

The Grantee may decide to decline the award after it has been made. The Grants Office must be notified in writing if an award will be declined. Contact the Grants Office for guidance.

11. Performance and Reporting

(A) Site Visits

The Council may conduct a visit to the approved project's events and request to meet with the Grantee's organizational staff to evaluate programming conducted and/or organizational practices and controls as part of the grant award. A site visit may include interacting with staff, observing facilities, assessing documentation, and evaluating programs. Grantees must, upon request, provide the Council with a minimum of two tickets to events, exhibitions and/or performances.

(B) Specific Reporting Requirements

The Council may require the Grantee to submit certain information before funds can be released (e.g., status reports, final reports, etc.) or at other times during the project. These reporting requirements will be noted in the award notification when applicable.

Final Reports

To close out the award the Grantee must submit the following no later than the final report deadline specified in the award notification package:

- Final report that provides the Council with information on the performance of the award activities, budget, and associated data. This online report can be accessed by the Grant Contact through the Council's online grant system.
- Support material as outlined through the final report.

(A) Failure to submit required reports

The Grantee is required to submit the final report by the deadline specified in the award notification package, or if granted in writing by the Grants Office, the extended due date. While the Council may provide the Grantee with reminders regarding award requirements and deadlines, the absence of receiving such notice does not relieve the Grantee of their responsibilities. Action for late and/or unreceived final reports may include:

- A partial award penalty/deduction from the final grant award.
- The Council's withdrawal of funding support on the award.
- The Grantee's eligibility to receive and/or apply for new grant awards.

12. Open Meetings and Records, Retention, and Audit Access

As a recipient of public funds, the Grantee is required to follow the State of Oklahoma's Open Meeting Act (25 O.S. Sections 301-314) as well as the Open Records Act (51 O.S. Section 24) when public dollars are involved.

Financial records, supporting documents, statistical records, and all other related entity records pertinent to the Council grant award must be retained for a period of seven (7) years from the date of submission of the final report. The Council, Oklahoma State Auditor and Inspector, and the Office of the Inspector General shall reserve the right to request an audit of the Grantee's records for the approved project including program and financial records.

(A) Access to Federal award information

During the grant period and the subsequent retention period, the National Endowment for the Arts Inspector General, the Comptroller General of the United States, or any authorized representatives has the right of access to any documents, papers, or other records which are pertinent to recipients of Federal award funds, in order to make audits, examinations, excerpts, and transcripts. The right also includes timely and reasonable access to the Grantee's personnel for the purpose of interview and discussion related to such documents. The rights of access in this paragraph are not limited to the required retention period, but last as long as records are retained.

(B) Award-related information should be collected and stored in open and machine-readable formats whenever practicable. In addition, restrictions on public access are generally limited to protected personally identifiable information (PII) and Freedom of Information Act (FOIA) and other applicable exemptions.

13. Noncompliance

(A) Penalties

If the Grantee fails to comply with State and Federal statutes, regulations, or the terms and conditions of the award, the Council may impose additional conditions and/or penalties. If the Council determines that noncompliance cannot be resolved by imposing additional conditions, the Council may take one or more of the following actions:

- Temporarily withhold grant payments pending correction of the deficiency, or more severe enforcement action.
- Disallow the use of Council funds or match for the unallowable costs or activities.
- Wholly or partly suspend or terminate the Council award.
- Withhold future Council awards.

(B) Cancellation

A cancellation occurs during the grant period/project dates. The award may be terminated in whole or in part as follows:

- By the Council, if the Grantee fails to comply with the terms of the grant award;
- By the Council, if the award no longer meets the program goals or addresses Council priorities;
- By the Council, in the event that Council funds available for grant awards are reduced or canceled; or
- By the Grantee, upon notifying the Grants Office in writing with reasons for cancellation and the effective date.

14. Closeout, Modifications, and Continuing Responsibilities

After the project end date/grant period, the next stage of an award's life is termed closeout. During the closeout process, the Council reviews final reports and other items to determine if all applicable administrative actions and all required work of the award have been completed in an acceptable manner and in accordance with the terms and conditions of the award.

Final reports must be submitted no later than the final report deadline specified in the award notification package. Upon receipt and approval of the final report, the Council will close out the award. Any unused grant funds shown on the final budget will be subtracted from the original award amount.

(A) After closeout, reduced/unused funds will no longer be available.

(B) Closeout will also occur even if final reports are not received. If a final report is not submitted, the Council holds the right to reduce or cancel the grant funds.

(C) The closeout of an award does not affect any of the following:

- The Council's right to recover funds on the basis of a later audit or other review within the record retention period.
- The Council's ability to make financial adjustments to a previously closed award.
- Audit requirements.
- Property management and disposition requirements.
- Records retention as outlined in the grant terms.

15. Federal Matching Funds Compliance

The Council receives funding from the National Endowment for the Arts through a State Partnership Award. This Council grant award may include federal funds or federal matching funds and is required to comply with all federal grant award requirements. Information about the federal funds can be found in the award notification package.

APPENDIX A

Policy and Other Legal Requirements, Statutes, and Regulations that Govern Your Award

The Grantee must ensure that the funded project is implemented in full accordance with the U.S. Constitution, State and Federal Law, and public policy requirements: including, but not limited to, those protecting free speech, religious liberty, public welfare, the environment, and prohibiting discrimination.

Nondiscrimination Policies

As a condition of receipt of financial assistance, the Grantee acknowledges and agrees to execute the project, and require any contractors, successors, transferees, and assignees to comply with applicable provisions of laws and policies prohibiting discrimination, including but not limited to:

- 1.a Title VI of the Civil Rights Act of 1964, provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance. Title VI also extends protection to persons with limited English proficiency.
- 1.b As clarified by Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, national origin discrimination includes discrimination on the basis of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs. Meaningful access may entail providing language assistance services, including oral and written translation, where necessary. You are encouraged to consider the need for language services for LEP persons in conducting your programs and activities. For assistance and information go to www.arts.gov/foia/reading-room/nea-limited-english-proficiency-policy-guidance.
- 1.c Title IX of the Education Amendments of 1972, as amended, provides that no person in the United States shall, on the basis of sex (including pregnancy, sexual orientation, and gender identity), be excluded from participation in, be denied benefits of, or be subject to discrimination under any education program or activity receiving Federal financial assistance.
- 1.d The Age Discrimination Act of 1975, as amended, provides that no person in the United States shall, on the basis of age, be excluded from participation in, be denied benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance.
- 1.e The Americans with Disabilities Act of 1990 (ADA), as amended, prohibits discrimination on the basis of disability in employment (Title I); State and local government services (Title II); and places of public accommodation and commercial facilities (Title III).

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- 1.f Section 504 of the Rehabilitation Act of 1973, as amended, provides that no otherwise qualified individual with a disability in the United States shall, solely by reason of their disability, be excluded from participation in, be denied benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance.

Access should be integrated into all facets and activities of an organization, from day-to-day operations to long range goals and objectives. Access accommodations and services should be given a high priority and funds should be available for these services. All organizations are legally required to provide reasonable and necessary accommodations for staff and visitors with disabilities.

Section 504 - Self-Evaluation and Additional Resources

- i. A Section 504 self-evaluation must be on file at the Grantee's organization. To help evaluate programs, activities, and facilities with regard to Section 504 accessibility requirements, the Civil Rights Office has a Section 504 Self Evaluation Workbook available on their website.
- ii. The Grantee should designate a staff member to serve as a 504 Coordinator. The completed workbook or similar compliance and supporting documentation should be kept on file for a period of three (3) years from the date the Federal Financial Report (FFR) is filed, and made available to the public and the National Endowment for the Arts upon request. The 504 Workbook or other compliance documents may be requested for various potential scenarios including an Inspector General audit and/or civil rights investigation.
- iii. Design for Accessibility: A Cultural Administrator's Handbook provides guidance on making access an integral part of an organization's staffing, mission, budget, and programs. This Handbook and other resources may be downloaded from the National Endowment for the Arts website.

Environmental and Preservation Policies

- 1.g The National Environmental Policy Act of 1969, as amended, applies to any Federal funds that would support an activity that may have environmental implications. We may ask you to respond to specific questions or provide additional information in accordance with the Act. If there are environmental implications, we will determine whether a categorical exclusion may apply; to undertake an environmental assessment; or to issue a "finding of no significant impact," pursuant to applicable regulations.
- 1.h The National Historic Preservation Act of 1966, as amended, applies to any Federal funds that support activities that have the potential to impact any structure eligible for or on the National Register of Historic Places, adjacent to a structure that is eligible for or on the National Register of Historic Places, or located in a historic district, in accordance with Section 106. This also applies to planning activities that may affect historic properties or districts. We will conduct a review of your project activities, as appropriate, to determine the impact of your project activities on the structure or any

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affected properties. Agency review must be completed prior to any agency funds being released. You may be asked to provide additional information on your project to ensure compliance with the Act at any time during your award period.

Other National Policies

2. Debarment and Suspension. The Grantee organization must comply with requirements regarding debarment and suspension.

There are circumstances under which we may receive information concerning the Grantee's fitness to carry out a project and administer Federal funds, such as:

- i. Conviction of, or a civil judgment for, the commission of fraud, embezzlement, theft, forgery, or making false statements;
- ii. Any other offense indicating a lack of business integrity or business honesty that seriously and directly affects your present responsibility;
- iii. Any other cause of so serious or compelling a nature that it affects an organization's present responsibility.

In these circumstances, the Council may need to act quickly to protect the interest of the government by suspending the Grantee's funding while the Council undertakes an investigation of the specific facts. The Council may coordinate suspension actions with other government agencies that have an interest in the findings. A suspension may result in your debarment from receiving funding government-wide for up to three (3) years.

3. The Drug Free Workplace Act requires the Grantee to publish a statement about your drug-free workplace program. The grantee must give a copy of this statement to each employee (including consultants and temporary personnel) who will be involved in award-supported activities at any site where these activities will be carried out.
4. The Grantee must maintain on file the place(s) where work is being performed under this award (i.e., street address, city, state, and zip code).
5. Lobbying. The Grantee may not conduct political lobbying, as defined in the statutes and regulations listed below, within State and Federally supported projects. In addition, the Grantee may not use State or Federal funds for lobbying specifically to obtain awards. For definitions and other information on these restrictions, refer to the following:

No part of the money appropriated by any enactment of Congress shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or

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designed to influence in any manner a Member of Congress, a jurisdiction, or an official of any government, to favor, adopt, or oppose, by vote or otherwise, any legislation, law, ratification, policy, or appropriation, whether before or after the introduction of any bill, measure, or resolution proposing such legislation, law, ratification, policy, or appropriation; but this shall not prevent officers or employees of the United States or of its departments or agencies from communicating to any such Member or official, at his request, or to Congress or such official, through the proper official channels, requests for any legislation, law, ratification, policy, or appropriations which they deem necessary for the efficient conduct of the public business, or from making any communication whose prohibition by this section might, in the opinion of the Attorney General, violate the Constitution or interfere with the conduct of foreign policy, counter-intelligence, intelligence, or national security activities (18 USC § 1913).

Lobbying (2 CFR § 200.450) describes the cost of certain influencing activities associated with obtaining grants, contracts, cooperative agreements, or loans as an unallowable project cost. The regulation generally defines lobbying as conduct intended to influence the outcome of elections or to influence elected officials regarding pending legislation, either directly or through specific lobbying appeals to the public.

Certification Regarding Lobbying to Obtain Awards. 31 USC § 1352, prohibits the use of Federal funds in lobbying members and employees of Congress, as well as employees of Federal agencies, with respect to the award or amendment of any Federal grant, cooperative agreement, contract, or loan. While non-Federal funds may be used for such activities, they may not be included in your project budget, and their use must be disclosed to the awarding Federal agency. Disclosure of lobbying activities by long-term employees (employed or expected to be employed for more than 130 days) is, however, not required. In addition, the law exempts from definition of lobbying certain professional and technical services by applicants and awardees.

6. Davis-Bacon and Related Acts (DBRA), as amended, requires that each contract over \$2,000 to which the United States is a party for the construction, alteration, or repair of public buildings or public works (these activities include, but are not limited to, painting, decorating, altering, remodeling, installing pieces fabricated off-site, and furnishing supplies or equipment for a work-site) must contain a clause setting forth the minimum wages to be paid to laborers and mechanics employed under the contract. Under the provisions of DBRA, contractors or their subcontractors must pay workers who qualify under DBRA no less than the locally prevailing wages and fringe benefits paid on projects of a similar character.

Information about the laborers and projects that fall under DBRA can be found in the U.S. Department of Labor's Compliance Guide at www.dol.gov/compliance/guide/dbra.htm. DBRA wage determinations are to be used in accordance with the provisions of Regulations, 29 CFR Part 1, Part 3, and Part 5, and with DOL's Compliance Guide. The provisions of DBRA apply within the 50 states, territories, protectorates, and Native American nations (if the labor is completed by non-tribal laborers).

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7. The Native American Graves Protection and Repatriation Act of 1990 applies to any organization that controls or possesses Native American human remains and associated funerary objects and receives Federal funding, even for a purpose unrelated to the Act (25 USC § 3001 et seq.).

8. U.S. Constitution Education Program. Educational institutions (including but not limited to "local educational agencies" and "institutions of higher education") receiving Federal funds from any agency are required to provide an educational program on the U.S. Constitution on September 17 (P.L. 108-447, Division J, Sec. 111(b)).